

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2183

As Amended by House Committee of the Whole

Brief*

HB 2183, as amended, would revise certain sex crimes to include conduct related to artificially generated visual depictions and define related terms.

Sexual Exploitation of a Child

The bill would expand the conduct that constitutes the crime of sexual exploitation of a child to include possessing any artificially generated visual depiction with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person.

The bill would define “artificially generated visual depiction” as an obscene visual depiction produced through the use of computer software, digital manipulation, or other means that creates an image or video depicting a child under 18 years of age shown or heard engaging in sexually explicit conduct.

The definition would include depictions that are obscene and indistinguishable from a real child, morphed from a real child’s image, or generated without any actual child involvement.

The bill would define “obscene” as a visual depiction or artificially generated visual depiction that, taken as a whole, appeals to the prurient interest of an average person, applying contemporary community standards, that is patently

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

offensive, and that, taken as a whole, lacks literary, artistic, political, or scientific value.

Unlawful Transmission of a Visual Depiction of a Child

The bill would also expand the definition of “visual depiction” as used in the crime of unlawful transmission of a visual depiction of an identifiable child. Visual depictions under this crime would include, but would not be limited to, such items created, in whole or in part, altered, or modified by artificial intelligence or any digital means to appear to depict or purport to depict an identifiable child, regardless of whether such identifiable child was involved in the creation of the original image.

Breach of Privacy

The bill would also expand the crime of breach of privacy to include disseminating any videotape, photograph, film, or image that was created, altered, or modified by artificial intelligence to appear to depict or purport to depict an identifiable person regardless of whether such person was involved in the creation of the original image.

The bill would specify that the crime of breach of privacy would not apply to a cable service as defined by federal law.

Background

The bill was introduced by the House Committee on Judiciary at the request of Representative Barrett.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided by Representative Barrett, the Shawnee County District Attorney, and a representative of the Kansas

Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association. The proponents generally stated the bill would provide an additional tool to identify child sexual abuse offenders and prevent further harm to children.

Written-only proponent testimony was provided by a representative of the Wichita Police Department.

Opponent testimony was provided by a representative of the State Board of Indigents' Defense Services. The opponent generally stated the bill would violate the freedom of speech protected by the First Amendment of the *U.S. Constitution*.

No other testimony was provided.

The Committee amended the bill to:

- Modify the elements of the crime of sexual exploitation of a child;
- Add definitions of “artificially-generated visual depiction” and “obscene” in the crime of sexual exploitation of a child;
- Modify the definition of “visual depiction” in the crime of unlawful transmission of a visual depiction of a child;
- Modify the elements of the crime of breach of privacy; and
- Exempt cable service as defined by federal law from the crime of breach of privacy.

House Committee of the Whole

The House Committee of the Whole amended the provisions of the bill related to unlawful transmission of a

visual depiction of a child to clarify the definition of “visual depiction” under the bill to include visual depictions of an identifiable child when knowingly transmitting such depictions.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board of Indigents’ Defense Services indicates enactment of the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 8-10 person felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$125 per hour for assigned counsel, each new severity level 8-10 person felony case brought to the agency would result in State General Fund (SGF) expenditures of \$2,918 to \$4,375.

Further, the Board indicates that on average, a severity level 4-7 person felony case requires 57 hours of work by an attorney. Therefore, each new severity level 4-7 person felony case brought to the agency would result in SGF expenditures of \$4,752 to \$7,152. The agency does not expect the misdemeanor provisions of the bill to have a fiscal effect on its operations, as it does not handle such cases. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the number of new cases brought under the bill.

The Judicial Branch indicates that the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However the Judicial Branch is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collection of docket fees, fines, and supervision

fees, which are deposited in the SGF; however, the amount of additional collections is unknown.

The Sentencing Commission indicates that the bill has the potential to increase prison admissions, and the number of prison beds needed; however, an exact estimate of this effect cannot be determined. The Department of Corrections indicates that the bill has the potential to increase agency operating expenditures depending on its effect on prison admissions and beds. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill has the potential to increase county government expenditures on legal proceedings. The League of Kansas Municipalities indicates that the bill would have negligible fiscal effect on cities.

Crimes; artificial intelligence; child pornography; breach of privacy; sexual exploitation of a child; unlawful transmission; visual depiction